

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on March 15, 2007. No fee is due in connection with this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 115808-462 on the account statement.

Claims 56-59 are pending in this application. Claims 17-55 were previously withdrawn. Claims 1-16 were previously canceled. In the Office Action, Claims 56-59 are rejected under 35 U.S.C. §§112 and 102. In response, Claims 56-59 have been amended. The amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 56-59 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Patent Office asserts that it is unclear if the percentages recited in the Claims are relating to dry matter, total pet food composition, etc. See, Office Action, page 2. With respect to Claim 56, Applicants respectfully submit that one of ordinary skill in the art would recognize that the percentages pertain to the total weight of the pet food composition. For example, currently amended Claim 56 recites, in part, a pet food comprising at least one amino acid selected from lysine, cysteine and combinations thereof, the lysine comprising 2.7% to about 3.1% by weight of the pet food. The amendment is supported in the specification at, for example, page 7, [0031]. Applicants respectfully submit that one of ordinary skill in the art would recognize that the lysine comprises 2.7% to about 3.1% of the total weight of the pet food composition.

Claims 57-59 have been amended to recite, in part, a pet food comprising at least one amino acid selected from lysine, cysteine and combinations thereof, the lysine comprising from about 6.7% to about 12.5% by weight of the dietary protein level of the pet food and the cysteine comprising from about 1.67% to about 2.68% by weight of the dietary protein level of the pet food. The amendment is supported in the specification at, for example, page 7, [0030]-[0031]. Applicants respectfully submit that one of ordinary skill in the art would recognize that, in these embodiments, the lysine and cysteine comprise certain percentages of the dietary protein level of the pet food composition.

Based on at least these noted reasons, Applicants believe that Claims 56-59 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 56-59 under 35 U.S.C. §112, second paragraph be withdrawn.

In the Office Action, Claims 56-59 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,267,195 to Boudreau et al. ("*Boudreau*"). For at least the reasons set forth below, Applicants respectfully disagree and request that the rejection be withdrawn.

Independent Claim 56 recites, in part, a pet food comprising at least one amino acid selected from lysine, cysteine and combinations thereof, the lysine comprising 2.7% to about 3.1% by weight of the pet food and the cysteine comprising from about 0.50% to about 0.75% by weight of the pet food. In contrast, *Boudreau* is directed primarily toward dog food flavors and dog foods having increased palatability due to the flavors. See, *Boudreau*, Background. At no place in the disclosure does *Boudreau* disclose or even suggest the percentages of lysine or cysteine required, in part, by Claim 56. For example, the Patent Office asserts that the cysteine content of the instant pet foods meet the claims, as about 0.755% cysteine was effective (col. 3) and, thus, when employed with solid dog food (col. 2, lines 37-48), they meet the composition claim and would be effective as is instantly claimed. See, Office Action, page 2. However, *Boudreau* specifically describes a dog food flavor composition that is desirably coated on the outside of a solid dog food and applied in a manner which allows their release into any water used for hydration. See, *Boudreau*, col. 2, lines 37-41. Similarly, *Boudreau* specifies that effective levels of cysteine in the dog food comprise 1% and 3% by weight of the dry weight of the dog food in the case where a 100 gram sample of the food is fed to the dog in combination with 150 grams of warm water. See, *Boudreau*, col. 3, lines 7-13. Because the effective level of cysteine comprises 1-3% of the 100 gram sample of dry weight of the dog food, *Bourdeau* cannot disclose cysteine comprising from about 0.50% to about 0.75% by weight of the pet food. Moreover, *Bourdeau* fails to disclose or even suggest lysine comprising from about 2.7% to about 3.1% by weight of the pet food.

Similarly, independent Claims 57-59 have been amended to recite, in part, a pet food comprising at least one amino acid selected from lysine, cysteine and combinations thereof, the lysine comprising from about 6.7% to about 12.5% by weight of the dietary protein level of the pet food and the cysteine comprising from about 1.67% to about 2.68% by weight of the dietary

protein level of the pet food. In contrast, *Boudreau* fails to disclose or even suggest lysine comprising 6.7% to about 12.5% by weight of the dietary protein level of a pet food and cysteine comprising from about 1.67% to about 2.68% of the dietary protein level of the pet food. As such, Applicants respectfully submit that *Boudreau* fails to disclose each and every element of independent Claims 56-59 and, therefore, fails to render the present Claims anticipated.

Accordingly, Applicants respectfully request that the anticipation rejections with respect to Claims 56-59 be reconsidered and the rejections be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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